G. R. S. 58]

Previous references.

File No. 298.

1916.

Serial Nos. 1 - 4

(G. R.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 4

~~Part~~ B for Augt. 1897.

SUBJECT.

Refund of certain amount, being the sale proceeds of certain land purchased by Munikadi in Endur Amanikere, Hosdoke Tq.

Indexed.

B. S. Shankaralinga

W D 1851—GPE—20,000—15-12-15

Section L. R
File No 298 of 1896
Serial No

Before the Government of Mysore.

(~~Appeal~~ No. 112 of 1896-97)

Revision case under Section 217 of the L.R. Code

~~Appellant.~~ Vs. ~~Respondent.~~

Sitegauda, Patil of
Hullur Amanikere
Hoskote Taluk

Subject:— Papers regarding the grant of S. No 177 of Hullur Amanikere to Patil Sitegauda.

List of English papers in the file

(1) Bangalore Dy Com's letter No 5663 26-9-96
(2) Secretary's note
(3) Deed No 6235/Fi 525 3-10-96 of D.C. Bangalore
(4) " 1406 3-4-97 from D.C. Bangalore
(5) Office note.

(2) 2

Yes. call
for records
when
8/1/97

Received
RB
11/1/97

The refund recommended is all right and may be sanctioned.

The question however remains whether the Court order quashing the land to the Board without recalling it as directed by the Commissioner of Lands is correct. This matter requires further examination. Under section 59 of the L.R. Code, the Board was liable to be summarily evicted, & this is exactly what the Court should have ordered. I have doubts as to the propriety of the Court subsequent order. The record may be called for, & the matter dealt with by Govt. under section 217.

Sd/- [illegible]
23-12-96.

Recd/Fin.
23/12/96

Revision Case No. 112 of 97-98

~~CHIEF~~ SECRETARY'S OFFICE.

REVENUE BRANCH.

(5)

OFFICE NOTE.

SUBJECT.

Regarding the refund in favour of one Sirgandi Munikadariga, of Rs 31-0-0 being the sale proceeds of certain land purchased by him in Hullur Amanikere, Hoskote Taluk.

LAST REFERENCE.

Letter No. 1006 dated 2nd April 1897 from The Dy. Comr. Bangalore Dt.

The facts of the case are as follows: One Lite Eswara, Patel of Chikk Hullur, Hoskote Taluk applied for× the grant for cultivation purposes of a portion of land out of Survey Number 147, under the Hullur Amanikere tank in the same Taluk. This was (1) sanctioned to him and the Shekdar was directed to put him in possession of the same. The Shekdar having inspected the land in question, found that it had already been cultivated, and therefore reported to

× vide Paper No (1) Revn. Records.

× Vide Paper No (2) Revn. Records

(1) Note — It was the subdivision of the land and not its grant that was sanctioned. The Dy. Comm's order runs thus:— "ಪ್ರಸ್ತುತ ಸರ್ವೆ ನಂ: 147 ರಲ್ಲಿ ಹಳ್ಳಿಯವರು ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡಿರುವ ಜಮೀನಿನಲ್ಲಿ ಸರ್ವೆ ಮಾಡಿಸಿ ಹದ್ದುಬಸ್ತು ಮಾಡಿಸಿ ಕೊಡಲು ಶೆಕ್ದಾರರಿಗೆ ಆಜ್ಞೆ ಮಾಡಿದೆ." The Shekdar was directed not to give possession but to carry out the above order dtd 26/6/97

to the Amildar that the Patel had cultivated the land nearly two months before it was awarded to him, that the land in question was formerly in the Khata of one Rajas Ramiappa, for whose default in paying Govt Revenue, it had been sold, & that as there were no bids at the said sale, the land was added on to assessed waste and the arrears remitted. ~~to the defaulter.~~ He further reported that the Patel knowing that the land he applied for was one, on which a large amount ~~was~~ of arrears of Kandayam was remitted, had applied for the said unauthorizedly cultivated it before being given possession of the same.

Upon this report the Amildar ordered the land in question together with the crops thereon to be put up for Sale. This

was

was accordingly carried out and the land together with the crops was purchased by one Nirgunti Mudukadaiya for Rs 31-4-4.

See Paper No (3) Item Record.

The Thekdar reported that there was a Halla on the land which was useful to the Cattle of the neighbouring villages during the hot season, as no water could be had anywhere else in the neighbourhood during such season, and that the land should be reserved to Government as the villagers objected to the same being granted to the purchaser of the land in question.

See Paper No (4) & (5) Item. Record. Also Paper No (5) — Item. Record.

The Amildar ordered that the 'gambuhalla' be reserved for communal purposes & that the question of unauthorized cultivation by the Patel brought

X See Paper No (5) Item. Records.

brought on the 'Takrar)
'Takkla'.

Accordingly the matter was brought* on the Takrar 'Takkla' of 1895-96 and the Jamabandi officer decided that the Patil Sitè Gowda who admitted having cultivated the land unauthorizedly, should pay the assessment on the land for the years 1894-95 + a fine of Rs 5, and cancelled the sale of July 1895 ordered by the Amildar, on the ground that the reservation of land along the margin of the bund of the tank and of the Jambu-Halla situated in the land had not been made, and ordered a resale reserving these rights.

The Deputy Comr again took

* Vide Paper No (6) ...

took up this case on the representations of the Patel Lite' Gowda and Hirganti Munikadariga. The Deputy Commissioner remarked " The Patel lost his land, paid the assessment and also a fine of Rs 5-0-0. The land was then sold with the Patel's produce and knocked down to a 3rd person the village Hirganti" xxx " the no 2 was originally subdivided on the application of the Patel, he paid the assessment and a fine in 1894-5, why should he have been deprived of the land? His unauthorized cultivation was met by the fine and the land should have been left to him." He therefore decided that the land in question

question should be confirmed
to Patel Siti Gowda, together
with the Jamba Halla and
ordered the amount Rs 31
paid by Munikadariga,
which was held in deposit,
to be refunded to him.

The Deputy Commissioner
accordingly submitted for * Vide letter No. D. 566 dated 26th Jan 1876.
sanction a refund bill for
Rs 31-0-0 in favour of Ki-
-santi Munikadariga.

The entire records of the
case were called for, and * Vide docket No. 67 35 dated 4/2/76
the Deputy Commissioner 76: 578
now submits the same.

The point for consideration
is whether the Deputy Comrs
order confirming the land in
question to the Patel Siti
Gowda who had unauthor-
-izedly cultivated the
same

Passed in 28th June 97 at Bangalore

Valet Sheriffs order not received
Unsatisfied.

The Dy Comrs order cancelling the sale cannot be upheld. Therefore no steps taken

lame, without reselling it, is proper.

Secretary
Subordinate Services.

28/June/97

27/6/97

Valet to the Dy Cr.

The Dy Comrs order does not in the clearest terms. The Valet calculated the land without deducting the tank bed & the land was ordered to be sold by auction. The sale held accordingly was however cancelled owing to a certain discrepancy having arisen - It is suggested to hold a fresh sale after making such deduction - But the Dy Comr to whom a representation was made by the Valet ordered the land to be given away to him on the ground that he had paid a fine for certain things - which cannot be supported

28
9 Months Sale
1579 Port we shall
Rs 30 4 37
Un Fault. Port
in the usual
course

(5515) 100 8/96 Mysore Govt. Press, Bgl.

Pieces of the records in re
Cancellation of the sale, and refund
of the purchase money to Thimi
Kadaraya, of a piece of land
applied for but unauthorisedly
cultivated by Total Site Canda
of Kumbukkare village,
Hosakote Taluk.

Case No: 92 of 1895-97 - Karnataka Law Journal
Sec 217 I.P.C.

The facts of the case are as follows:

On 29.9.93 Darkhastdar Site Canda
applied to the Amildar to get
Canda Survey No 147 Anirisang 3-21
measured at Rs 20-- and sub-
divided into two hissa in the three he
would sow, one of which might contain
2 acres. Then the measurer was asked
to subdivide the number and report.
He accordingly subdivided and sub-
mitted the plan so prepared in
a Mutchalika from the Darkhastdar
to say that he approved of the
measurement and the subdivision, and
was willing to pay Kandayam that
might be given to the second
portion that year only.

On 26.2.94 the Amildar submitted
the plan above referred to the Deputy
Tahsildar for sanction, who
sent it to the Sheristadar to be checked and
returned by the District Surveyor. After

7.no.2. (cont)

The application for subdivision of a land
(prohibited) by the darkhastdar) does
calculate to have the real nature of the darkhast

The interval of more than one
year between the application for patta
& the taluk order for grant is not
satisfactorily explained.

M

On 30/11/94

7.no.3.

7.(2)

it was checked by the Surveyor, it was returned to the Cuddalore Principal Assistant for further procedure to be adopted, which was sent to the Sheristadar to be attended to. He recorded that he inspected the land that was subdivided - that he saw that the land was brought under cultivation and the removal of grass (Rs 5) was over - that he learnt that it was, in the shape of Liyar Mamiappa formally Muniappa for whose default in paying Sist kandayam it was ordered to be sold, but none offered to purchase it was added on to assessed waste (Rs 6) and in a large sum, remitted. Subsequently, many Darkhasts having been received, the land was again ordered to be sold, but the sale was said to have been cancelled owing to some irregularities and the purchase money returned to the purchaser - that Liyar in the present Darkhastdar unauthorizedly cultivated the land, before the possession receipt was given to him on his Darkhast, though it was properly to be sold by auction that it was situated at the mound of a tank and the land close to it was also sold by auction and fetched a large sum - that the land in question was also fit to be similarly disposed of - that the Darkhastdar being a pariah and the writer of the Darkhast being the Shanthapah also, the former failed to disclose anything

$\frac{7(4)}{2}$ Cuddalore Taluk 3.S. No.

$7\left(\frac{2}{a}\right)$ Srimushnam Taluk

about the previous Darkhastas, ~~which~~ ascertained the Survey Nos of S. Nos 42 and 90 which were in the share of the said Rajas Nanjappa and the amount of revenue due in them to Govt, and so the matter was brought to the Amildar's notice. Thereupon the Amildar sent to the Shekdar a sale notification to be published in the village informing all people to attend the Auction on the appointed day and offer their bid for the above land with the crop as it is. The Shekdar was asked to sell the land in the presence of ~~competent~~ men and also of the Darkhastdar Site Gauda without giving room for any Sukra

The Shekdar proclaimed the sale accordingly, and on the above date sold the land comprising 1-35 assessed ~~at~~ Rs 13-12-0 (with cess 4-13-9) for Rs 31/- to Muni Kadariya, who was the highest bidder of 25 persons that attended the auction. He was entitled to "Jumbu" grass grown on the field since December; but was not answerable for half the assessment of the paddy crop (or straw). The Shekdar then reported in submitting the sale list that he deposited Amount ~~handed~~ over to the Shanbhog for being remitted to the Treasury. The Amildar Nanjappa further wrote to the Shekdar that he had confirmed the sale, provided it was conducted

This would not have occurred if the A+B lists prescribed in para 39 Rule ~~XX~~ ~~have~~ prepared But as a matter of fact these lists were not in existence for the Hoskote taluk in 1895 MM vide 7(5)

12th Jan 95

Not reaching sanji - It means the high seas

7(6) vide 3 fmil

regularly and there was no complaint in the area that the Shekdar should report when the land would be given to the possession of the purchaser and that the balance of the purchase money should be collected from him and duly remitted. The Shekdar reported that he already submitted his report stating that the Darkhastdar without showing any knowledge of the previous Darkhast to applied for the same land, but before it was granted, unauthorizedly cultivated it - that as it was situated at the bund of the tank and close to the sluice, and the Jwarbu yielded Bataji, the sale amount was not its proper value - that as it was only 3½ miles from the Head Quarters the Amildar might inspect the spot before passing any orders. The Amildar inspected the spot and ordered that as it contained 'Vadaki' Halla, he wanted to know what was the income of Jwarbu, whether it was not separately sold by auction, what was the annual revenue of the land and when was the Remission granted and what amount. The Shekdar ascertained

S-S-95 2/(4), Kincaid

these particulars from the Shanbhog, who noted that the Jumbu yielded 3 Khs annually in the average from 87-88 to 91-92. Then from 92-93 to 94-95 (Nandana to Jaya) it was sold along with Kharaveli and were exclusively kept as regards remission, the arrears due by the Khatedar Municipality were in 88-89 (Saravadhari) Rs-77-1-2 for the four Nos in the Mustasein 133 90, 142, 144 & 147 and in consequence the Nos 90 & 142 were sold by auction to Mr with the crop of the Nos. This with the remission amount in Parama was Rs 4-14-4 leaving the balance still due by the Khatedar, namely Rs 35-2-10 which was remitted in 1894-92 Khariff & that the remission for the V. No 147 alone could not be stated. The Khatedar then reported to the Amildar that the Kadaki talla contained water even at the time of scarcity of water and was very useful for cattle, there being no other well or tank near by, that besides, it was the Kasba Quarters and if the talla was sold, the villagers would be put to much trouble, and so it would be better if that was reserved to Govt and made a separate number. The Amildar

1894-95 2(4/4) pencil

asked the Shekdar to demand explanation from the Shanbhog and the Patel for their failure in reporting the matter when the Darkhast was made or drawn up, and that the land solds might be delivered over to the purchasers and a Mutchalika taken from him.

The Shanbhog and the Patel were accordingly questioned and they said that they already reported the matter when formerly there was Darkhasti for the land - that is there was an application not for the Subdivision of the Survey number and it was granted without any reference to the reported matter again, they did not do so again and that the Darkhastdar now cultivated the land with a belief that his application for 'Jode' was granted on condition of his paying the Kandayam. The Shekdar in submitting this explanation reported that the Patel and the Shanbhog with a view that the land might be given to them on Darkhast without sale, kept the matter in secret, when they applied for 'Jode', though it was properly to have been sold by auction being a, Rule of convenience for people and

20.10.95 ?(9)ink

This is throwing dust in the eyes of the authorities
M

24.10.95 ?(8) pencil

cattle and the Sundayan having
been formerly resisted that when
the Amildar inspected the spot,
he told the Shekdar he would
issue orders allowing the land
only to be sold subject the Jumla
and the "Vadaj Kalia", but that the
Order was issued was opposed
to his verbal order - that on these
grounds the land only might be
given to the present purchaser
and the returning the Patel and
the Mukhoj in having entered
the Darkhast on A Form instead
of on B Form as per rules, in
having cultivated it unauthorized
and in allowing the Nirgunti
to remove the crop for the Patel
before the Land was granted to
him might be seriously noticed
and that orders passed in ac-
cordance with the verbal orders
thereupon the Amildar Mr
Bava has stating the opinion
that the Jumla Kalla should be
reserved for Communal purposes
directed the case to be entered
on the Pakras Taluka as the
question of unauthorized cultiva-
tion had to be settled. He states
on the Pakras Taluka that the
Shekdar reported that the "Vadaj-
Kalla"

Halla' was very useful for people and cattle, and so the villagers would object to its being given to the purchaser as that was the only source of water - but that no such application had been received from him - that the purchaser intended that the Jamma Halla should be given to him as it was in consideration thereof he purchased the land which was accordingly sold (with the exp. all included) - that he had no objection to the Halla being used by people and cattle as before - and that as the Attestor had inspected with the Collector for the land for Manmadu (95-96), he would obey the Jamabandi Officer's orders

Mr Nagaraj Iyer the Jamabandi officer for that year ordered that a fresh sale should take place reserving the margin of the Bund of the tank and also the Halla. He also fined the Patel for unauthorized alienation Rs 5, and directed him to pay the assessment for that year (1894-95).

In the meantime on 29-11-95 Muni Kadaraja the purchaser of the land in question returned the Amildar stating that although he had the whole purchase money in time and 4 or 5 months had already passed,

not very clear

the land were not given to his possession and sajjanali Chetti granted to him - that as it was the cultivation season he prayed that it might be granted so that he might commence cultivation and that he was prepared to pay the kandayam that year and that as the Sheristadar failed to take Muchalika from him, although he got the order confirming the sale, therefore he prayed that either the land be given to him or the purchase money returned to him On this, the Sheristadar ordered that the Chettiar might be asked to execute the orders already passed and that as the purchaser prayed for sajjanali Chetti being the Cultivation season, it would be given to him by the Sheristadar himself, taking a Muchalika from the purchaser On the next 30-9-95 day, the purchaser the said Muniskadarija executed a muchalika before the Sheristadar stating that he took possession of the land from that date and that he would pay kandayam for Maimatha according to Khist giving no room for Dakras- In June 1896, the purchaser petitioned the Assistant

that the Thakore in lending to ruin him submitted false reports - that although he paid a large sum for the land owing to the nullity or the nonfulfilment of the Jamabandi he recently got an endorsement from the Thakore to the effect that unless the Halla was subdivided and formed as a separate number he could not obtain possession - praying that the words be struck for and removed and order passed confirming the auction sale and allowing him the certificate and returning the fees for him from the wrong-doers -

At the same time the Darkhastdar Site Sanda petitioned the Assistant stating that in the year Vaudana when he applied for the same land, it was put to auction but there being no bidders one was willing to give his bid, it was ordered that it would be given to the petitioner freely - And as the cultivation season had passed, he requested that his Darkhast might be cancelled. Accordingly it was cancelled. Subsequently it was made a big number, he applied again to get a portion of the number, and thinking that by his time his application would be granted the cultivation season would have been over, etc and he would have to pay Kandayan for nothing at all; he cultivated the land; and this was looked upon as a wrong and he was in consequence punished the land being ordered to be sold by

auction. He Sheldon made false reports and ~~soon~~ gave room to unnecessary correspondence and unjust orders. Praying that the records be sent for and after a careful perusal orders passed Cancelling the sale and restoring the land and the Jumbu Halla to him, besides refunding the fine and the Kandyan which he was forced to pay.

Thereupon the dy Commr calling for the records and seeing the Jamabandi officer's orders - above noted - ordered that the punishment for unauthorized cultivation was inflicted in the shape of fine and so the land with the Jumbu Halla should be confirmed to him and a Mutchalka be taken from him to the effect that he would allow people and cattle to make use of water - and that the sale to Muni Kadariga having been cancelled by the Jamabandi Officer, the purchase money should

be refunded to him.

When the amildar was asked to ~~[illegible]~~ execute the orders passed above noted.

On 17-6-96 the purchaser complained to the amildar that he received an Endorsement from the Thasildar stating that he should not enter the land until he would get orders to that effect - that although one year had elapsed, neither the land was given to him nor the money returned and prayed that one or the other be made soon. On this, the Amildar ordered that the sale was cancelled by the Dy. Comr and so the purchase money should be refunded to him. Accordingly, the land was given to the possession of the Darkhast dar and a Muchalika taken from him on 26-6-96 stating that he would pay Kandayam for Mannatha

[Rs. had already been given to the purchaser and a muchalika taken from him is not mentioned above notes.]

and allow people and cattle to use water, and cut the Jumbu grass for himself. The Amildar directed that these conditions be entered in the Khatwar.

On 30-8-96 the Darkhastdar petitioned the Amildar stating that he agreed to pay Kandayam for Mirmatha on condition of cutting the Jumbu grass for himself that as the Cattle was sold by auction for Rs 3-3-4 on behalf of Govt, the same should be deducted and credited towards the Kandayam due by him that he was ready to pay the balance and had paid the same, praying for a receipt. Accordingly the Amildar enquired into the matter and reported to the Dy Collr on 1-9-96 that the Darkhastdar produced a 11 and odd

saying that the balance
has already received
in the Khas Jamabandi
Zamin which originally
yielded Rs 3-3- in kind, according
to the orders of the Hon'ble
himself on the Zakran
Zakhta after he inspected
the spot. On this, the Hon'ble
ordered that the collection
already made could not
be refunded, and to the
balance should be remitted.

In the meantime
on 28-6-96 the amildar
submitted to the Extra Asst.
Com'r for sanction a refund
bill for 31 Rs to the purchaser
as per order of the Hon'ble
on the Zakran Zakhta.
He was then directed to
send an extract of the order.
Accordingly he submitted
a copy of the Zakran Zakhta
with the orders thereon, then
the Asst Com'r forwarded
the Bill to the Hon'ble for
sanction. The Hon'ble Asst

No 1/95 & 4-4-96.

it to the Treasury Officer
to certify the amount
having been credited
and returns, who did so
On 30-11-96 the Dy Collr
submitted the bill to Govt for
sanction. Thereon, the
Records of the case were
called for vide 6238 dated
7.525
14-1-97. The Dy Collr addressed
the Govt to send for
the records from the Auditor
who receiving the same
forwarded to the Dy Collr.
The Dy Collr submitted the
same to Govt on 2-4-97.

///
6/7/97
That the patel cultivated the
land before a sagubadi claim was
given or even before it was settled
whether the land was to be sold or
granted without sale, & that he
tried to make out his Mucharlika
to pay Kandayam to be the final
result of his darkhast, seem to be
clear. The arrears in Lands No 147
were remitted in 1891-92 & the patel
applies further 3 years in 1893

Had this fact been deliberately
suppressed, there seems little
doubt
[illegible]
MJ
22/7/97

D. No. 566.
Rec'd 10 a file.

Deputy Commissioner's Office
Bangalore District
20th November 1874.
30th

To

The Secretary to the
Government of Mysore
Revenue and General Depart.
Bangalore

Sir,

I have the honor to submit herewith for sanction a Bill, No 167 for Rs 51, being the amount to be granted to Ramaiengar the purchaser of a piece of land in Sultan Amani Keri Survey No. 1 Block 1 Sale No. which was cancelled.

2. The Patgonda, the patel of the village applied for the said division of Survey No. 1 in the above village and entered the same before sanction. He land with the produce was therefore sold, and purchased by the said Ramaiengar for Rs 51. He thereupon applied for the grant of the

of

of Rs 5, in addition to the assessment on the said land for unauthorized cultivation, but cancelled the sale, and ordered the scrub covering a marsh called the "jambu kadu" in which elephant grass grew.

3. On the Patel's appeal, it was found that there was no reason depriving the Patel of the land as his unauthorized cultivation was furnished by the grass, then the assessment of the land, therefore decided that the land in question should be left to the Patel and the purchase money refunded to Sami. Kadaraya.

4. The necessary papers bearing on the subject are enclosed.

I have the honor to be,

Sir,

Your most obedient Servant,

M. Rasanmyagar

Deputy Commissioner

Section 2 K.
File No 298 96-97
Serial No 2

Deputy Commissioners 3

(3)

To.

The Dy Commr
Bangalore District

Dated 14-5-97
6238 In / Vfile
No K: 525
Pro 566 of 26th November 96

Dy Commrs letter Submitting for Sanction a refund bill for Rs. 31 in favor of Mr Ellumi Kadariga, being the Sale proceeds of certain Land purchased by him in Hallur Amani Kere, Hoskote Taluk.

In returning the enclosures of the above, has the honor to request that they may be re-submitted with the entire records connected with the Sale of the Land & cancellation.

"By order"

2nd (in red)

14/5/97

14/5/97 for Secretary

Section L.R.
File No 98-96
Serial No 3

From The Dy. Commissioner
Bangalore.

(4)

To The Secretary to the Govt
of Mysore.
Genl & Rev Departments.
Bangalore.

Dated 2nd April 97.
Despatched 6th do
Received
General No.
D No. 1006

Enclosure No. 1 file

In reply to this docket
No 0285 dated 5th January 97
K 525
has the honor to submit
herewith the entire records
connected with the sale of land
No 147 Part I in the Village
Amanikere, Taluk Taluk.

for Dy Commissioner

Rev
7.4.97

Rec'd 12/4/97.

Sent with office Note
27/4

Section L.R.
File No. 283 of 96
Serial No. 1/1 of 96

Dated as per order

5

Head:- Correspondence ending with docket No 1006 of 2nd April 1897 from the Dy Commr Bangalore District, submitting the records connected with the Sale of certain land in the Hullur Amanikere, Hoskoté Taluk, the purchase money whereof is recommended to be refunded to the auction purchaser.

In 1872-73 S. 18.8.97
R 6/4 18

In M.P.

Order Hereon:—

The facts of the case are as follows:—

In September 1893, Patél Seeté Jowda of Chika Hullur applied for 2 acres of land out of Survey No. 147 Situated in Hullur Amanikere. In Nov 1894 the Taluk Measurer sub-divided the land and reported that a new number containing

A G
1-35 was formed. In May 95

the Sheikdar reported that
he inspected the land
applied for and found it al-
ready cultivated by the
applicant (Patél), although
~~the Sale terminated with the latter~~
it had once been sold for
arrears of revenue and bought
in by Govt, that its Sale for cultivation
had been subsequently can-
-celled owing to some irregularities,
and that it was situated
at the foot of the village tank.
On the 13th July 1895, the
land was sold in public
auction by the Sheikdar
and Knocked down to the
highest bidder Munikadari-
-ga for Rs 31-0-0. The Amildar
confirmed the Sale, subje-
-ject to the condition that
the Same had been properly-
held, and ordered the
issue of a Saguvali
chit. In August 1895,
the Sheikdar reported

to the Amildar that besides the fact of the land having been unauthorizedly cultivated by the Patél, the land sold contained a marsh where the Jambu grass, which was annually sold by Govt, grew, and requested the matter being disposed of after personal inspection. The Amildar having called for information regarding the annual realization from the sale of the Jambu grass, directed the land being made over to the auction purchaser

as previously ordered,
and called for the ex-
planation of the Patél
and the Shanbogue for
omission to report the
real State of things
at the outset. In
Submitting the explanations,
the Shirkdar Suggested
the advisability of the
Jambu-halla being
reserved to Govt, as the
water of the halla was
very useful to men and
cattle and the Jambu-grass
was a Source of revenue
to Govt. Hence upon the
Amildar thought it
better to reserve the Jambu-
-halla owing to its Situation
within 25 yds from the
bank of the Canle a long

the

the matter on the Yakinar Talukha for the order of the Jamabandi officer, as the question of unauthorized cultivation had been overlooked, and accordingly ordered a notice being given to the auction purchaser that the Sagvan plot was subject to confirmation by the Jamabandi officer.

2. In May 1876, the Jamabandi officer ordered that as the Patil admitted having unauthorizedly cultivated the land, the assessment thereon for 1874-75 and a fine of Rs. 5 should be levied from him, and also cancelled the Sale on the ground that the margin along the bāe of the Cauli land of the Talla which was succeeded by the water of which was for communal purposes, had not been reserved, and directed a fresh Sale after making necessary

reservations. On the pre-
presentation of the Patel
and the auction purchaser,
the Dy Commr Set aside
the Jamabandi officer's
order and confirmed the
land to the Patel together
with the Jambu halla,
subject to his non-interference
with the use of the water of
the halla by men & cattle,
on the ground that the
Patel [illegible] punished for
unauthorized cultivation
by the recovery of one year's assessment
and a fine of Rs. 5.

3. The Dy Commr accordingly
submits a refund bill for
Rs. 31 payable to the
auction purchaser Ellunika Dariga.

4. Govt cannot support
the Deputy Commr's order.
Under para 1 of Rule XX
of the Land Rev Rules, the
land was liable to be sold
as the same had been bought in by Govt &
the area and [illegible]
[illegible] on
[illegible] remitted within 30 years

preceding
the date of the present
Darkhast & other Darkhasts
also had been rejected. The present
Darkhastdar is the Patel
of the village and as such
ought to have known that the
land was liable to be sold.
The fine inflicted upon a
wrongdoer for unauthor-
-ized cultivation should
not be regarded as a com-
-pensation for compounding
his offence. This is the view
which the Dy. Comm^r has
apparently taken and it
is not correct. The cultivation
of the land before obtaining
due permission is counte-
-nanced to a certain extent
by Rule XXI of the L.R. Rules,
but it contains an important
reservation that the land
in that case should have been one "not set apart for
any special purpose and
not liable to be sold under
the Rules". It is evident
that the Rule quoted does
not apply to this case as

the

the land is one which had to
be Sold under the Rules.
Moreover there is a ~~stream~~
~~&~~ hilla in the land, which
it was thought advisable
to reserve or exclude from
~~cultivation the ground~~ cultivation as a matter
of convenience to the villagers.
It is also said that some
margin had to be reserved
close to the base of the land
bund. Under the ~~these~~ circum-
stances a re-adjustment
of the land suitable for
cultivation had to be ~~made~~
made but this was not
done. The Commissioner
that the Dun'kastas having
paid the fine, there was no
objection to his retaining
the land in occupancy, as
it has been more than
once granted only Govt
that a wrong decision like the Petr (Paid),
~~Petn~~ who does an unauthor-
-ized act, is not entitled
to any consideration. The
granting of the cultivation

act in the present case is enhanced by the fact of his being a Patél. For these reasons the order of the Dy Commr. confirming the Land to Patél Seetégowda is set aside under Section 217 of the L. R. Code. The Land fit for cultivation after exclusion therefrom of the jamba-halla and the margin from the toe of the tank bund, will be properly defined and Sold in one course. The refund bill for Rs. 31 in favor of Munisiddaniga is Sanctioned and transmitted to the Comptr for audit.

10-8-97

Secretary

7/8/97 9/8/97

To

The Dy Commr
Bangalore District
Returning the records
Comptr, Mysore Govt